



PUBLIC NOTICE

Federal Communications Commission
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DA 03-1177

Released: April 18, 2003

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF LOCAL TELECOM HOLDINGS, LLC D/B/A TRANSPPOINT COMMUNICATIONS BY WORLDXCHANGE CORP., D/B/A ACCERIS

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 03-100

On April 3, 2003, Local Telcom Holdings, LLC d/b/a Transpoint Communications ("LTH") and Transpoint Communications, Inc. ("Transpoint Communications," with LTH, "Transpoint") together with WorldxChange Corp. d/b/a Acceris Communications Partners and Acceris Communications Solutions ("Acceris") (collectively "Applicants"), filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ for authority to permit Acceris to acquire indirect ownership of the two Transpoint entities and subsequently transfer direct ownership of the regulated assets of those entities including the companies' customer base to Acceris (the "Transactions").²

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules because, immediately following the proposed Transactions, (1) Acceris and its affiliates combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) Acceris will provide local exchange services, if at all, only in areas served by dominant local exchange carriers (none of which are parties to the proposed Transactions); and (3) none of the Applicants or their affiliates are dominant with respect to any service.

Acceris is a Delaware corporation with principal offices in San Diego, California. Acceris provides resold interstate and international telecommunications services to customers throughout the continental United States and Hawaii. Acceris states that it also provides local exchange service on a very limited basis in the northeastern United States. Acceris is a wholly

¹ 47 C.F.R §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² Applicants have also filed a transfer of control application related to international services provided by Transpoint Communications, Inc. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

owned indirect subsidiary of I-Link Incorporated.³ I-Link Incorporated is a publicly traded Florida corporation which is indirectly majority owned and controlled by Counsel Corp. ("Counsel"). Counsel is a publicly traded Canadian corporation that specializes in investments, including investments in communications companies.

LTH is a Delaware limited liability company with principal offices in Agoura Hills, California. LTH provides interstate telecommunications services.

Acceris and Transpoint plan to consummate a series of Transactions whereby Acceris will acquire the interstate assets and customer base of Transpoint, and Transpoint will subsequently cease to operate. In particular, the Transactions contemplated by Applicants are as follows: 1) a newly formed, wholly owned holding company subsidiary of Acceris, Transpoint Holdings Corporation ("THC"), will acquire all of the stock of LTH, and LTH will become a wholly-owned subsidiary of Acceris through THC; 2) following the indirect acquisition of Transpoint by Acceris, all of Transpoint's customers and other operating assets will be assigned on an intra-corporate family basis from LTH and Transpoint Communications to Acceris. Once the customer assignment is complete, Acceris will assume service obligations to current Transpoint customers.

Applicants assert that the proposed transaction will serve the public interest, convenience, and necessity because it will promote competition in domestic telecommunications market. Moreover, the Transactions will minimize the disruption of service and be virtually transparent to Transpoint's customers. Applicants state that the proposed Transactions will permit Acceris to expand its management skills and assets, thereby enhancing Acceris's operational flexibility and financial viability. At the same time, Acceris states that the expansion of its customer base, which will occur as a result of the transfer of customers of Transpoint to Acceris, will improve Acceris's position in the telecommunications market and permit Acceris to compete more effectively against larger carriers.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days and reply comments within 21 days** of this notice.⁴ Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the

³ On February 20, 2003, WorldxChange Corp. filed a notification letter with the Commission advising the Commission of WorldxChange's decision to provide service under the Acceris brand name. WorldxChange Corp. expects to initiate use of the Acceris d/b/a names prior to the consummation of the Transactions described herein.

⁴ See 47 C.F.R. § 63.03(a).

domestic lines or authorization to operate on the 31st day after the date of this notice.⁵ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dcjohnso@fcc.gov, and

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- (3) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (5) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; email: iellis@fcc.gov; and
- (6) (Bill is going to give me the name of person taking his place ---Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.)

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Dennis Johnson at (202) 418-0809, Tracey Wilson, at (202) 418-1394, or William Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

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